

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CLARENCE RUTLAND, # 102041,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:05cv491-D
	)	WO
SGT. DAVIDSON, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On May 27, 2005, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon CONSIDERATION of the Recommendation of the Magistrate Judge, it is

ORDERED that said Recommendation be and the same is hereby adopted and that this case be and the same is hereby DISMISSED without prejudice for the plaintiff's failure to pay the full filing fee upon the initiation of this case. It is further

CONSIDERED and ORDERED that the plaintiff's motion for voluntary dismissal filed on June 14, 2005 (doc. # 5) be and the same is hereby DENIED as moot.

DONE this 18<sup>th</sup> day of July, 2005.

/s/ Ira DeMent  
SENIOR UNITED STATES DISTRICT JUDGE